

<b>Interview Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/672,338	RODRIGUEZ, DEBORAH T.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jerrold Johnson	3728	

All participants (applicant, applicant's representative, PTO personnel):

(1) Jerrold Johnson. (3)\_\_\_\_\_.

(2) Brian Rayve. (4)\_\_\_\_\_.

Date of Interview: 20,27 Nov. 2007.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: see enclosed proposed amendment and draft clean copy of claims.

Claim(s) discussed: all.

Identification of prior art discussed: see office action.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: see the reasons for allowance.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Deborah T. Rodriguez

Examiner: Jerrold D. Johnson

Serial Number: 10/672,338

Art Unit: 3728

Filed: September 25, 2003

Atty Docket No: 026-1-001

For: "HAIR ROOTS COLORING KIT"

**CLEAN COPY OF CLAIMS**

VIA FACSIMILE TO EXAMINER JERROLD D. JOHNSON AT (571) 273-7141

Sir:

Responsive to our recent phone conversations, here is a clean copy of the claims:

1. A hair roots coloring kit for mixing together standard hair coloring materials including containers of a plurality of different colored hair coloring compositions to form a matching color of hair coloring composition to a user's previously colored hair shafts and for applying to uncolored outgrown roots of the hair, comprising:
  - at least one measuring device adapted for measuring necessary quantities of the hair coloring materials to produce the matching color of hair coloring composition comprising a syringe having a hollow body adapted to closely receive a slidable plunger having a resilient sealing piston, said body having a transparent tubular mid-section with a measuring indicia and an elongate tapered needle adapted to be closely received within necks of squeezable tubes to receive the hair coloring composition contained therein in the form of a paste therefrom upon squeezing of the tube, said body having a pair of finger engaging tabs and the piston having a thumb ring to facilitate withdrawal of said piston from said body as the hair coloring paste is squeezed from the tube into said syringe;
  - a mixing container adapted for holding the necessary quantities of the hair coloring materials;
  - a stirring device adapted for manual mixing together of the necessary quantities of the hair coloring materials within said container to produce the matching color of hair coloring composition;
  - an applicator device adapted for manually applying the matching color of hair coloring composition to the roots of the user's hair; and
  - a carrying device adapted for receiving said syringe, said stirring device, and said applicator device for storage and transport thereof.

2. The kit according to Claim 1, wherein the mixing container comprises a mixing bowl of a type chosen from the group consisting of reusable and disposable.

3. The kit according to Claim 2, wherein the mixing bowl is of the reusable type being made of a substantially rigid and cleanable material chosen from the group consisting of glass, ceramic, and plastic.

4. The kit according to Claim 2, wherein there are a plurality of mixing bowls which are disposable, being molded from a thin sheet material chosen from the group consisting of plastic, paper, and coated paper which are made to closely nest together.

5. The kit according to Claim 2, wherein there are a plurality of the mixing bowls which are disposable, being molded from a thin sheet material chosen from the group consisting of plastic, paper, and coated paper which are made to closely nest together.

6. The kit according to Claim 1, wherein the applicator device comprises an applicator brush having an elongate handle from which a plurality of bristles extend.

7. The kit according to Claim 6, wherein the handle of the applicator brush is longitudinally tapered, having a wide bristle receiving end from which the plurality of bristles longitudinally extend, and an opposite end adapted for manipulating hair of a type chosen from the group consisting of a pointed end and a curled end.

8. The kit according to Claim 7, wherein respective ends of the bristles are aligned relative to the handle in an orientation chosen from the group consisting of perpendicularly and angled.

9. The kit according to Claim 1, wherein the stirring device comprises a stirring stick of a type chosen from the group consisting of reusable and disposable.

10. The kit according to Claim 9, wherein the stirring stick is of the reusable type being made of a substantially rigid and cleanable material chosen from the group consisting of glass, plastic, and wood.

11. The kit according to Claim 9, wherein there are a plurality of stirring sticks which are disposable, being made of a material chosen from the group consisting of coated paper, plastic, and wood.

12. The kit according to Claim 1, wherein the carrying device comprises a drawstring bag.

13. The kit according to Claim 12, wherein the drawstring bag is of a sufficient size to also hold the hair coloring materials.

14. The kit according to Claim 1, further comprising an additional kit component chosen

from the group consisting of a pair of protective gloves and a cleaning brush.

15. The kit according to Claim 14, wherein the additional kit component comprises a plurality of pairs of the protective gloves which are made of fused sheets of thin plastic so as to be disposable.

16. The kit according to Claim 15, wherein the gloves are pre-packaged in tearable packages to maintain said gloves in a compact folded condition prior to use.

17. The kit according to Claim 14, wherein the additional kit component comprises the cleaning brush having an elongate handle with a gripping portion and a cleaning portion to which a plurality of bristles radially extend.

18. A hair roots coloring kit for mixing together standard hair coloring materials including containers of a plurality of different colored hair coloring compositions to form a matching color of hair coloring composition to a user's previously colored hair shafts and for applying to uncolored outgrown roots of the hair, comprising:

at least one measuring device adapted for measuring necessary quantities of the hair coloring materials to produce the matching color of hair coloring composition comprising a syringe having a hollow body adapted to closely receive a slidable plunger having a resilient sealing piston, said body having a transparent tubular mid-section with a measuring indicia and an elongate tapered needle adapted to be closely received within necks of squeezable tubes to receive the hair coloring

composition contained therein in the form of a paste therefrom upon squeezing of the tube;

a mixing container adapted for holding the necessary quantities of the hair coloring materials;

a stirring device adapted for manual mixing together of the necessary quantities of the hair coloring materials within said container to produce the matching color of hair coloring composition;

an applicator device adapted for manually applying the matching color of hair coloring composition to the roots of the user's hair; and

a bottle stopper which includes a longitudinally tapered, resilient body of circular cross-section and a recloseable cap, said body being adapted to closely fit within the necks of variously sized bottles and having a longitudinal bore which extends through said body, an externally opening portion of said bore being of such a size to closely receive the tapered needle of the syringe to receive the hair coloring composition contained therein in the form of a liquid upon inverting of the bottle, said cap being adapted to sealingly attach to said body to prevent the liquid from exiting the bottle through said bore; and

a carrying device adapted for receiving said measuring device, said stirring device, and said applicator device for storage and transport thereof.

19. The kit according to Claim 18, wherein the cap is disk-shaped and attached to the body by a connecting strap, the outer surface of the body is annularly stepped, and the cap has a dependent plug adapted to sealingly fit within the bore of said body to seal said bore such that liquid cannot exit therefrom.

20. A hair roots coloring kit for mixing together standard hair coloring materials including containers of a plurality of different colored hair coloring compositions to form a matching color of hair coloring composition to a user's previously colored hair shafts and for applying to uncolored outgrown roots of the hair, comprising:

at least one measuring device adapted for measuring desired quantities of the hair coloring compositions chosen from the group consisting a measuring cup, a syringe, and an eyedropper;

a mixing container adapted for holding the desired quantities of the hair coloring materials comprising a mixing bowl of a type chosen from the group consisting of reusable and disposable;

a stirring device adapted for manual mixing together of the desired quantities of the hair coloring materials within said container to produce the desired color hair of coloring composition;

an applicator device adapted for manually applying the desired color of hair coloring composition to the roots of the user's hair;

a bottle stopper which includes a longitudinally tapered, resilient body of circular cross-section and a recloseable cap, said body being adapted to closely fit within the necks of variously sized bottles and having a longitudinal bore which extends through said body, an externally opening portion of said bore being of such a size to closely receive the tapered needle of the syringe to receive the hair coloring composition contained therein in the form of a liquid upon inverting of the bottle, said cap being adapted to sealingly attach to said body to prevent the liquid from exiting the bottle through said bore; and



a carrying device adapted for receiving said measuring device, said stirring device, and said applicator device for storage and transport thereof.

21. The kit according to Claim 20, wherein the measuring device comprises a syringe having a hollow body adapted to closely receive a slidable plunger having a resilient sealing piston, said body having a transparent tubular mid-section with a measuring indicia and an elongate tapered needle adapted to be closely received within necks of squeezable tubes to receive the hair coloring composition contained therein in the form of a paste therefrom upon squeezing of the tube.

22. The kit according to Claim 21, wherein the body of the syringe includes a pair of finger engaging tabs and the plunger includes a thumb ring to facilitate withdrawal of said plunger from said body as the hair coloring paste is squeezed from the tube into said syringe.

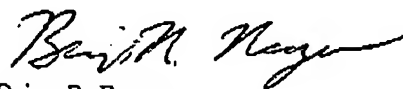
23. The kit according to Claim 20, further comprising:  
an additional kit component chosen from the group consisting of a pair of protective gloves and a cleaning brush; and  
wherein the applicator device comprises an applicator brush having an elongate handle from which a plurality of bristles extend, the carrying device comprises a drawstring bag, and  
the stirring device comprises a stirring stick of a type chosen from the group consisting of reusable and disposable.

24. The kit according to Claim 20, wherein the measuring device comprises a measuring

cup having a circular bottom wall, an upstanding annular side wall with a measuring indicia, and a pouring spout.

25. The kit according to Claim 20, wherein the measuring device comprises an eyedropper having an elongate tubular body and a squeezable bulb.

Respectfully,  
LAW OFFICE OF BRIAN R. RAYVE



Brian R. Rayve  
Attorney for Applicant  
Registration No. 39,810

December 6, 2007  
Park City, Utah  
clean copy of proposed claims.frm

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Deborah T. Rodriguez

Examiner: Jerrold D. Johnson

Serial Number: 10/672,338

Art Unit: 3728

Filed: September 25, 2003

Atty Docket No: 026-1-001

For: "HAIR ROOTS COLORING KIT"

**PROPOSED SUPPLEMENTAL AMENDMENT**

VIA FACSIMILE TO EXAMINER JERROLD D. JOHNSON AT (571) 273-7141

Sir:

Responsive to the Official Action dated March 12, 2007 and supplemental to the Amendment dated September 12, 2007, please consider amending the above-identified application as follows:

**Amendments to the Claims** are reflected in the listing of claims which begins on page 2 of this paper.

**Remarks** begin on page 12 of this paper.

**Amendments to the Claims:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

1. (Currently Amended) A hair roots coloring kit for mixing together standard hair coloring materials including containers of a plurality of different colored hair coloring compositions to form a matching color of hair coloring composition to a user's previously colored hair shafts and for applying to uncolored outgrown roots of the hair, comprising:

at least one measuring device adapted for measuring necessary quantities of the hair coloring materials to produce the matching color of hair coloring composition comprising a syringe having a hollow body adapted to closely receive a slidable plunger having a resilient sealing piston, said body having a transparent tubular mid-section with a measuring indicia and an elongate tapered needle adapted to be closely received within necks of squeezable tubes to receive the hair coloring composition contained therein in the form of a paste therefrom upon squeezing of the tube, said body having a pair of finger engaging tabs and the piston having a thumb ring to facilitate withdrawal of said piston from said body as the hair coloring paste is squeezed from the tube into said syringe;

a mixing container adapted for holding the necessary quantities of the hair coloring materials;

a stirring device adapted for manual mixing together of the necessary quantities of the hair coloring materials within said container to produce the matching color of hair coloring composition;

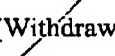
an applicator device adapted for manually applying the matching color of hair coloring

composition to the roots of the user's hair; and

a carrying device adapted for receiving said ~~measuring device~~ syringe, said stirring device, and said applicator device for storage and transport thereof.

2. (Original) The kit according to Claim 1, wherein the mixing container comprises a mixing bowl of a type chosen from the group consisting of reusable and disposable.

3. (Original) The kit according to Claim 2, wherein the mixing bowl is of the reusable type being made of a substantially rigid and cleanable material chosen from the group consisting of glass, ceramic, and plastic.

4. (Withdrawn)  The kit according to Claim 2, wherein there are a plurality of mixing bowls which are disposable, being molded from a thin sheet material chosen from the group consisting of plastic, paper, and coated paper which are made to closely nest together.

5. (Currently Amended) The kit according to Claim ~~1~~ 2, wherein ~~the measuring device is wherein there are a plurality of the mixing bowls which are disposable, being molded from a thin sheet material~~ chosen from the group consisting ~~a measuring cup, a syringe, and an eyedropper of plastic, paper, and coated paper which are made to closely nest together.~~

6. (Currently Amended) The kit according to Claim ~~5~~ 24, wherein the measuring device comprises a syringe having a hollow body adapted to closely receive a slidable plunger having a

resilient sealing piston, said body having a transparent tubular mid-section with a measuring indicia and an elongate tapered needle adapted to be closely received within necks of squeezable tubes to receive the hair coloring composition contained therein in the form of a paste therefrom upon squeezing of the tube.

7. (Currently Amended) [The] A hair roots coloring kit [according to Claim 6, further] for mixing together standard hair coloring materials including containers of a plurality of different colored hair coloring compositions to form a matching color of hair coloring composition to a user's previously colored hair shafts and for applying to uncolored outgrown roots of the hair, comprising:

at least one measuring device adapted for measuring necessary quantities of the hair coloring materials to produce the matching color of hair coloring composition comprising a syringe having a hollow body adapted to closely receive a slidable plunger having a resilient sealing piston, said body having a transparent tubular mid-section with a measuring indicia and an elongate tapered needle adapted to be closely received within necks of squeezable tubes to receive the hair coloring composition contained therein in the form of a paste therefrom upon squeezing of the tube;

a mixing container adapted for holding the necessary quantities of the hair coloring materials;

a stirring device adapted for manual mixing together of the necessary quantities of the hair coloring materials within said container to produce the matching color of hair coloring composition;

an applicator device adapted for manually applying the matching color of hair coloring composition to the roots of the user's hair; and

a bottle stopper which includes a longitudinally tapered, resilient body of circular cross-section and a recloseable cap, said body being adapted to closely fit within the necks of variously sized bottles and having a longitudinal bore which extends through said body, an externally opening portion of said bore being of such a size to closely receive the tapered needle of the syringe to receive the hair coloring composition contained therein in the form of a liquid upon inverting of the bottle, said cap being adapted to sealingly attach to said body to prevent the liquid from exiting the bottle through said bore; and

a carrying device adapted for receiving said measuring device, said stirring device, and said applicator device for storage and transport thereof.

8. (Original) The kit according to Claim 7, wherein the cap is disk-shaped and attached to the body by a connecting strap, the outer surface of the body is annularly stepped, and the cap has a dependent plug adapted to sealingly fit within the bore of said body to seal said bore such that liquid cannot exit therefrom.

9. (Original) The kit according to Claim 6, wherein the body of the syringe includes a pair of finger engaging tabs and the plunger includes a thumb ring to facilitate withdrawal of said plunger from said body as the hair coloring paste is squeezed from the tube into said syringe.

10. (Currently Amended) The kit according to Claim 5 24, wherein the measuring device comprises a measuring cup having a circular bottom wall, an upstanding annular side wall with a measuring indicia, and a pouring spout.



11. (Currently Amended) The kit according to Claim ~~5~~ 24, wherein the measuring device comprises an eyedropper having an elongate tubular body and a squeezable bulb.

12. (Original) The kit according to Claim 1, wherein the applicator device comprises an applicator brush having an elongate handle from which a plurality of bristles extend.

13. (Original) The kit according to Claim 12, wherein the handle of the applicator brush is longitudinally tapered, having a wide bristle receiving end from which the plurality of bristles longitudinally extend, and an opposite end adapted for manipulating hair of a type chosen from the group consisting of a pointed end and a curled end.

14. (Original) The kit according to Claim 13, wherein respective ends of the bristles are aligned relative to the handle in an orientation chosen from the group consisting of perpendicularly and angled.

15. (Original) The kit according to Claim 1, wherein the stirring device comprises a stirring stick of a type chosen from the group consisting of reusable and disposable.

16. (Original) The kit according to Claim 15, wherein the stirring stick is of the reusable type being made of a substantially rigid and cleanable material chosen from the group consisting of glass, plastic, and wood.

17. (Withdrawn) The kit according to Claim 15, wherein there are a plurality of stirring sticks which are disposable, being made of a material chosen from the group consisting of coated paper, plastic, and wood.

18. (Original) The kit according to Claim 1, wherein the carrying device comprises a drawstring bag.

19. (Original) The kit according to Claim 18, wherein the drawstring bag is of a sufficient size to also hold the hair coloring materials.

20. (Original) The kit according to Claim 1, further comprising an additional kit component chosen from the group consisting of a pair of protective gloves and a cleaning brush.

21. (Original) The kit according to Claim 20, wherein the additional kit component comprises a plurality of pairs of the protective gloves which are made of fused sheets of thin plastic so as to be disposable.

22. (Original) The kit according to Claim 21, wherein the gloves are pre-packaged in tearable packages to maintain said gloves in a compact folded condition prior to use.

23. (Original) The kit according to Claim 20, wherein the additional kit component comprises the cleaning brush having an elongate handle with a gripping portion and a cleaning portion to which a plurality of bristles radially extend.

24. (Currently Amended) A hair roots coloring kit for mixing together standard hair coloring materials including containers of a plurality of different colored hair coloring compositions to form a desired matching color of hair coloring composition ~~of a matching color~~ to a user's previously colored hair shafts and for applying to uncolored outgrown roots of the hair, comprising:

at least one measuring device adapted for measuring desired quantities of the hair coloring compositions chosen from the group consisting a measuring cup, a syringe, and an eyedropper;

a mixing container adapted for holding the desired quantities of the hair coloring materials comprising a mixing bowl of a type chosen from the group consisting of reusable and disposable;

a stirring device adapted for manual mixing together of the desired quantities of the hair coloring materials within said container to produce the desired color hair of coloring composition;

an applicator device adapted for manually applying the desired color of hair coloring composition to the roots of the user's hair;

a bottle stopper which includes a longitudinally tapered, resilient body of circular cross-section and a recloseable cap, said body being adapted to closely fit within the necks of variously sized bottles and having a longitudinal bore which extends through said body, an externally opening portion of said bore being of such a size to closely receive the tapered needle of the syringe to receive the hair

coloring composition contained therein in the form of a liquid upon inverting of the bottle, said cap being adapted to sealingly attach to said body to prevent the liquid from exiting the bottle through said bore; and

a carrying device adapted for receiving said measuring device, said stirring device, and said applicator device for storage and transport thereof.

25. (Original) The kit according to Claim 24, further comprising:

an additional kit component chosen from the group consisting of a pair of protective gloves and a cleaning brush; and

wherein the applicator device comprises an applicator brush having an elongate handle from which a plurality of bristles extend, the carrying device comprises a drawstring bag, and

the stirring device comprises a stirring stick of a type chosen from the group consisting of reusable and disposable.

26. (Withdrawn) A method for coloring the uncolored outgrown roots of a user's hair to match the previously colored hair shafts, comprising the steps of:

providing a plurality of containers of hair coloring materials including different colored hair coloring compositions;

providing a carrying device and a plurality of coloring kit components including at least one measuring device, a mixing container, a stirring device, and an applicator device contained therein;

removing the coloring kit components from the carrying device;

opening the containers of hair coloring materials;

measuring necessary quantities of the hair coloring materials removed from the containers using measuring device to form a matching color of hair coloring composition to the user's hair and depositing into the mixing container;

manually mixing together the necessary quantities of the hair coloring materials within the mixing container using the stirring device to form the matching color of hair coloring composition;

manually applying the matching color of hair coloring composition from the mixing container onto the roots of the user's hair using the applicator device;

preparing the coloring kit components for storage; and

replacing the coloring kit components into the carrying device.

27. (Withdrawn) The method according to Claim 26, wherein the step of providing a plurality of containers of hair coloring materials includes providing a hair coloring composition in the form of a hair coloring paste packaged in a squeezable tube having an outlet neck, the step of providing a carrying device and a plurality of coloring kit components includes providing a measuring device comprising a syringe having an elongate tapered needle adapted to be closely received within the neck of the squeezable tube, and the step of measuring necessary quantities of the hair coloring materials includes inserting the tapered needle within the neck and squeezing the tube to receive the paste therefrom.

28. (Withdrawn) The method according to Claim 26, wherein the plurality of coloring kit components provided are of a cleanable reusable type, and the step of preparing the coloring kit

components for storage comprises cleaning the coloring kit components.

29. (Withdrawn) The method according to Claim 26, wherein the step of providing a carrying device and a plurality of coloring kit components includes providing a plurality of disposable mixing containers and stirring devices, and the step of preparing the coloring kit components for storage comprises disposing of used mixing containers and stirring sticks, and cleaning the other coloring kit components used.

30. (Withdrawn) The method according to Claim 26, wherein the step of providing a carrying device and a plurality of coloring kit components includes providing a pair of protective gloves and a cleaning brush, at least some of the plurality of coloring kit components provided are of a cleanable reusable type, the step of preparing the coloring kit components for storage comprises cleaning at least some of the coloring kit components using the which are of the cleanable reusable type using the cleaning brush, and further comprising the steps of putting on the protective gloves prior to measuring necessary quantities of the hair coloring materials and removing the protective gloves after applying the matching color of hair coloring composition to the roots of the user's hair.

**REMARKS:**

As per applicant's conversations with the Examiner regarding patentability, applicant has amended the claims to require at least one of the two items that the Examiner stated might be patentable.

The first is the "measuring device comprising a syringe having a hollow body adapted to closely receive a slidable plunger having a resilient sealing piston... said body having a pair of *finger engaging tabs* and the piston having a *thumb ring* to facilitate withdrawal of said piston from said body as the hair coloring paste is squeezed from the tube into said syringe". This applies to Claim 1 and dependent Claims 1-3, 5, 9, 12-16, and 18-23.

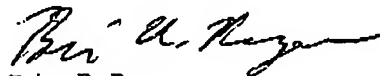
The second is "a bottle stopper which includes a longitudinally tapered, resilient body of circular cross-section and a recloseable cap, said body being adapted to closely fit within the necks of variously sized bottles and having a longitudinal bore which extends through said body, an externally opening portion of said bore being of such a size to closely receive the tapered needle of the syringe to receive the hair coloring composition contained therein in the form of a liquid upon inverting of the bottle, said cap being adapted to sealingly attach to said body to prevent the liquid from exiting the bottle through said bore". This applies to Claim 24 and dependent Claims 6, 10, 11 (note dependency changes), and 25.

Claims 7 and 8 should be allowable is rewritten (same as in original Amendment).

Claims 4, 17, and 27-30 remain withdrawn.

All of the pending Claims 1-3, 5, 6, 7, 8, 9, 12-16, and 18-25 should now be allowable.  
Favorable reconsideration is respectfully requested.

Respectfully,  
LAW OFFICE OF BRIAN R. RAYVE



Brian R. Rayve  
Attorney for Applicant  
Registration No. 39,810

November 29, 2007  
Park City, Utah  
umd (proposed).ftm